UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,346	12/03/2001	Harry A. Glorikian	P696C1	4095

25096 7590 06/17/2009			

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2445	

MAIL DATE	DELIVERY MODE
06/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-37 and 51-66* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-37 and 51-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Arguments

Applicant's arguments filed 5/11/2009 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach the feature "select data responsive to the user selection" and "wherein the first Internet data includes the geographical position of the mobile computing device and the user selection of a type of information," examiner disagrees. In arguing the prior art applicant discusses the background of the prior art which is not relevant since it discusses a system that is not employed by the present invention and therefore the features that are inherent to the system disclosed in the background are different then those disclosed by the cited sections of the prior art. In Col. 4 lines 33-55 of Sheynblat, discusses wireless communication via cell phone. In Col. 4 line 56 to Col. 5 line 22 of Sheynblat, discuss that via the communication the GPS mobile unit is able to access a WWW server and access data for location-based information. In Col. 8 line 36 to Col. 9 line 25 of Sheynblat, discusses that the first Internet data includes the GPS location sent to a particular Application Server, this is sending both the location of the device and the type of information. The response from the application server is the second Internet data includes data selected in response to the user selection, this is the data that is sent back for the particular application that is selected by the user. In Col. 13 line 60 to Col. 14 line 13, discusses the packetize communication that occurs from the mobile GPS device and the application server. In Col. 18 Table 1 and Col. 18 lines 10-32 of Sheynblat, discusses the services provided to the mobile GPS device via both the SPS

satellite data and via the wireless system that provides the location based information.

In Col. 15 lines 40-65, shows an example of the application server in action. The user

makes a request for an restaurant and provides a location and in response the server

sends back location of local Italian restaurants via the SS7(wireless) network. Therefore

for the forgoing reason the present prior art anticipates all of the feature of the presently

claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-34, 36, 37 and 51-66 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sheynblat et al. (United States Patent 6,677,894).

For claim 31, Sheynblat teaches, a mobile computing device, comprising:

a position-determining component configured to periodically determine a position

of the mobile computing device relative to time; (Sheynblat, Col. 18, table 1, Col. 21

lines 5-20, velocity)

a user input component configured to receive a user selection of a type of information; (Sheynblat, Col. 17 lines 24-33, weather, traffic)

and a communication component configured to transmit first Internet data over a wireless connection to a server computing device storing position-related information and to receive second Internet data over the wireless connection from the server computing device; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular)

wherein the first Internet data includes the geographical position of the mobile computing device and the user selection of a type of information and the second Internet data includes data selected in response to the user selection and the geographical position of the mobile computing device; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather)

and an information reporting component configured to report the received selected data to the user. (Sheynblat, Col. 19 lines 30-50, mobile device)

For claim 32, Sheynblat teaches, the mobile computing device of claim 31 wherein the position-determining component includes a GPS receiver configured to indicate a position of the GPS receiver on the Earth's surface, and the first Internet data further includes a rate of change of position or a direction of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity)

For claim 33, Sheynblat teaches, the mobile computing device of claim 31 wherein the

second Internet data includes site-to-site data in relation to dynamic position of the

mobile computing device. (Sheynblat, Col. 21 lines 5-22, routing, map information)

For claim 34, Sheynblat teaches, the mobile computing device of claim 31 wherein the

communication component is further configured to receive over the wireless connection

pushed real-time data in relation to the geographical position of the mobile computing

device. (Sheynblat, Col. 10 lines 14-67, differential GPS, Col. 21 lines 5-20,

position/time correction)

For claim 36, Sheynblat teaches, the mobile computing device of claim 31 wherein the

information reporting component is further configured to report the received selected

data visually. (Sheynblat, Col. 21 lines 5-22, map)

For claim 37, Sheynblat teaches, the mobile computing device of claim 31 wherein the

user selection of the type of information relates to businesses or services. (Sheynblat,

Col. 20 lines 15-30, location base marketing, Col. 20, lines 49-55, web site)

For claim 51, Sheynblat teaches, a communication system, comprising:

       a server configured to receive first Internet data from a base station, the first

Internet data including a geographical position of a mobile computing device and a user

selection of a type of information transmitted to the base station from the mobile

computing device over a wireless connection; (Sheynblat, Col. 18 lines 10-20, location-

based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular, Col. 17

lines 24-33, weather, traffic)

and the server further configured to select data responsive to the user selection

and the geographical position from a database and to send the selected data as second

Internet data to the base station. (Sheynblat, Col. 18 lines 10-20, location-based

service, Col. 17 lines 11-32, weather, Col. 19 lines 30-50, mobile device)

For claim 52, Sheynblat teaches, the communication system of claim 51, furthering

comprising the base station, wherein the base station is further configured to transmit

the second Internet data to the mobile computing device over the wireless connection.

(Sheynblat, Col. 17 lines 32-67, cellular)

For claim 53, Sheynblat teaches, the system of claim 51, wherein the server is further

configured to push real-time data to the mobile computing device in relation to the

geographical position of the mobile computing device. (Sheynblat, Col. 10 lines 14-67,

differential GPS, Col. 21 lines 5-20, position/time correction)

For claim 54, Sheynblat teaches, the system of claim 51, wherein the server is further

configured to select data based on a rate of change of position of the mobile computing

device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 55, Sheynblat teaches, the system of claim 51, wherein the server is further configured to select data based on a direction of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 56, Sheynblat teaches, the system of claim 51, wherein the second Internet data includes site-to-site data in relation to dynamic position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, map, velocity, routing information)

For claim 57, Sheynblat teaches, the system of claim 51, wherein the user selection of the type of information relates to businesses or services. (Sheynblat, Col. 20 lines 15-30, location base marketing, Col. 20, lines 49-55, web site)

For claim 58, Sheynblat teaches, a method, performed by a computer system having a processor and memory comprising:

receiving by the computer system first Internet data from a base station, the first Internet data including a geographical position of a mobile computing device and a user selection of a type of information transmitted to the base station from the mobile computing device over a wireless connection; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular, Col. 17 lines 24-33, weather, traffic)

selecting data responsive to the user selection and the geographical position

from a database; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines

11-32, weather, Col. 19 lines 30-50, mobile device)

and sending the selected data as second Internet data to the base station.

(Sheynblat, Col. 17 lines 32-67, cellular)

For claim 59, Sheynblat teaches, the method of claim 57, further comprising transmitting

the second Internet data from the base station to the mobile computing device over the

wireless connection. (Sheynblat, Col. 17 lines 32-67, cellular)

For claim 60, Sheynblat teaches, the method of claim 57, further comprising pushing

real-time data to the mobile computing device in relation to the geographical position of

the mobile computing device. (Sheynblat, Col. 18 lines 10-20, location-based service)

For claim 61, Sheynblat teaches, the method of claim 57, further comprising selecting

data based on a rate of change of position of the mobile computing device. (Sheynblat,

Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 62, Sheynblat teaches, the method of claim 57, further comprising selecting

data based on a direction of change of position of the mobile computing device.

(Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 63, Sheynblat teaches, the method of claim 57, wherein the second Internet

data includes site-to-site data in relation to dynamic position of the mobile computing

device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 64, Sheynblat teaches, the method of claim 57, wherein the user selection of

the type of information relates to businesses or services. (Sheynblat, Col. 20 lines 15-

30, location base marketing, Col. 20, lines 49-55, web site)

For claim 65, Sheynblat teaches, a communication system, comprising:

        a base station configured to receive first Internet data over a wireless connection

from a mobile computing device, wherein the first Internet data including a geographical

position of the mobile computing device and a user selection of a type of information;

(Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW,

internet, Col. 17 lines 32-67, cellular, Col. 17 lines 24-33, weather, traffic)

        and a server configured to receive the first Internet data from the base station

and to select data responsive to the user selection and the geographical position from a

database, and the server further configured to send the selected data as second

Internet data, wherein the base station is further configured to transmit the second

Internet data to the mobile computing device over the wireless connection. (Sheynblat,

Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather, Col. 19 lines

30-50, mobile device, Col. 17 lines 32-67, cellular)

For claim 66, Sheynblat teaches, the communication system of claim 65, wherein the

server is further configured to push real-time data to the mobile computing device in

relation to the geographical position of the mobile computing device. Sheynblat, Col. 10

lines 14-67, differential GPS, Col. 21 lines 5-20, position/time correction)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Sheynblat in view of Clapper (United States Patent 6,023,241).

For claim 35, Sheynblat fails to clearly disclose, the mobile computing device of claim

31 wherein the information reporting component is further configured to report the

received selected data audibly.

Clapper teaches, the mobile computing device of claim 31 wherein the information

reporting component is further configured to report the received selected data audibly.

(Clapper, Col. 4 lines 20-46, audio)

Clapper and Sheynblat are both in field of portable GPS devices

Clapper and Sheynblat and compatible they are both portable GPS devices

It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to combine Sheynblat and Clapper, in order to add the feature of

playing audio (this is the content down loaded base upon location) to location based

service of Sheynblat which are retrieved via the communication component. Clapper

provides for audio to be provided based upon the content on the screen. This provides

for the added advantage of a multimedia experience for the excursion. (Clapper, Col. 1

lines 30-35)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry D Donaghue/

Primary Examiner, Art Unit 2454